

CERTIFICATE OF MAILING

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ELI LILLY AND COMPANY

By Linda M. Durbin

Date February 21, 2002



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|              |   |  |                   |
|--------------|---|--|-------------------|
| Applicant(s) | : | Chirgadze et al.                       | )                 |
|              |   |  | )                 |
| Serial No.   | : | 09/897,645                             | )                 |
|              |   |  | ) Group Art Unit: |
| Filed        | : | June 29, 2001                          | ) 1633            |
|              |   |  | )                 |
| For          | : | Use of <i>Streptococcus Pneumoniae</i> | )                 |
|              |   | Acyl Carrier Protein Synthase          | )                 |
|              |   | Crystal Structure in Diagnostics,      | )                 |
|              |   | Antimicrobial Drug Design, and         | )                 |
|              |   | Biosensors                             | )                 |
|              |   |  | ) Examiner:       |
| Docket No.   | : | X-13948                                | ) Unknown         |

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Assistant Commissioner for Patents  
Box Missing Parts  
Arlington, VA 22202

Sir:

This is in response to the "Notice to File Missing Parts of Nonprovisional Application" (Notice) dated September 21, 2001 in connection with the above-identified application, noting the absence of a declaration from the papers filed with the above-identified application, and requiring substitute drawings and a Sequence Listing. The due date for response to this Notice has been extended three (3) months up to and including February 21, 2002.



In response to the Notice, enclosed herewith are:

- 1) a copy of the Notice;
- 2) a declaration under 37 C.F.R. 1.63 by the Applicants in this application;
- 3) two substitute drawing sheets containing Figures 1 and 2 (one sheet), and Figure 7 (one sheet);
- 4) an initial computer readable form (CRF) copy of the Sequence Listing;
- 5) an initial paper copy of the Sequence Listing;
- 6) an amendment directing entry of the Sequence Listing into the application;
- 7) a statement under 37 C.F.R. 1.821(f) that the content of the Sequence Listing information recorded in computer readable form is identical to the written (paper) Sequence Listing, and includes no new matter

Regarding the requirement for substitute drawings, Applicants note that the basis therefor is that the drawing sheets submitted at the time of filing of the present application do not have the appropriate margins.

Applicants have reviewed the drawings as originally filed, and believe that only substitute sheets for Figures 1 and 2, and Figure 7, are required: Figures 3-6 and 8-9 appear to comply with the margin requirements set forth under 37 C.F.R. 1.84(g). Therefore, only substitute sheets for Figures 1 and 2, and Figure 7, are submitted herewith.

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required under 37 C.F.R. 1.16(e). The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

O I P E  
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U.S. GOVERNMENT

If the Examiner has any questions, or would like to discuss any matters in connection with the present application, the Examiner is invited to contact the undersigned at (317) 433-4983.

Respectfully submitted,

*Charles E. Cohen*  
Charles E. Cohen, Ph.D.  
Attorney for Applicants  
Registration No. 34,565  
Phone: 317-433-4983

Eli Lilly and Company  
Patent Division/CEC  
Lilly Corporate Center  
Indianapolis, Indiana 46285

21 February 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/897,645         | 06/29/2001          | Nicholas Chirgadze    | X-13948                |

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ELI Lilly and Company  
Lilly Corporate Center  
Patent Division DC: 1104  
Indianapolis, IN 46285

Due - 11-21-01

CEL

CONFIRMATION NO. 9746

## FORMALITIES LETTER



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SEP 28 2001

ELI LILLY AND CO.  
PATENT DIVISION

Date Mailed: 09/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

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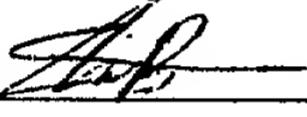
"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)



*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY